

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

KEILA CROSS, on behalf of herself
and all others similarly situated,

Plaintiff,

vs.

ALLIED WASTE SERVICES OF
NORTH AMERICA, LLC, D/B/A
REPUBLIC SERVICES,

Defendant.

No. CV 21-145-M-SEH

ORDER

On December 22, 2021, Defendant Allied Waste Services of North America, LLC d/b/a Republic Services (Republic) filed a Motion to Dismiss Pursuant to Rule 12(b)(6) or in the Alternative to Compel Arbitration¹ and a supporting brief.² Included with the motion and brief were affidavits, with attached exhibits, of Donald Moss and Jeffrey M. Roth, Esq.³ Plaintiff Keila Cross responded to the motion on January 10, 2022, including affidavits, with attached exhibits, of Cross and Renee Wayne.⁴

¹ Doc. 5.

² Doc. 6.

³ Doc. 6-1, 6-2.

⁴ Doc. 9-1, 9-2.

The motion will be treated as one for summary judgment.⁵

ORDERED:

1. Republic's Motion to Dismiss⁶ hereafter will be treated as a Fed. R. Civ. P. 56 motion for summary judgment.

2. The parties are accorded to and including **December 9, 2022**, in which to conduct and complete discovery, limited to issues relevant to the converted Rule 56 motion for summary judgment.⁷

3. The Court, by separate order, will establish a briefing schedule, if necessary and appropriate, for the converted Rule 56 motion for summary judgment.⁸

DATED this 17th day of October, 2022.



SAM E. HADDON
United States District Judge

⁵ Fed. R. Civ. P. 12(d).

⁶ Doc. 5.

⁷ *Id.*

⁸ *Id.*